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PUNJAB VIDHAN SABHA SECRETARIAT

NOTIFICATION

The 20th June, 2023

No. 10-PLA-2023/35.- The Punjab Police (Amendment) Bill, 2023 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

BILL NO. 10-PLA-2023

THE PUNJAB POLICE (AMENDMENT) BILL, 2023

A

BILL

further to amend the Punjab Police Act, 2007 with a view to bring about an independent mechanism for selection and appointment of suitable persons to the post of the Director General of Police (Head of Police Force), so as to ensure that the said selection, appointment and the resultant term of office is free from political or executive interference and is also in consonance with the peculiar conditions and policing requirements of the State of Punjab.

Whereas 'public order' and 'police' appear in the 'State List' given in the Seventh Schedule to the Constitution of India, and are, thus, matters falling in the exclusive domain of the States;

(2003)

Whereas the constitutional framework envisions a 'federal structure' wherein the States are exclusively empowered, through its legislature, to enact laws concerning 'public order' and 'police';

Whereas the State of Punjab has enacted the Punjab Police Act, 2007 (Punjab Act No. 10 of 2008) in keeping with the aforesaid constitutional mandate, and it is imperative that suitable provisions are enshrined therein to provide for a robust mechanism for selection and appointment of suitable persons to the post of the Director General of Police (Head of Police Force);

AND Whereas it is incumbent upon the State of Punjab to ensure that the said mechanism takes into consideration the peculiar challenges faced by the State of Punjab by virtue of being a border-State.

Be it enacted by the Legislature of the State of Punjab in the Seventy-fourth Year of the Republic of India, as follows:—

Short title and commencement.

1. (1) This Act may be called the Punjab Police (Amendment) Act, 2023.
- (2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

Substitution of section 6 in Punjab Act No. 10 of 2008.

2. In the Punjab Police Act, 2007, for section 6, the following section shall be substituted, namely:—

"6 (1) The following procedure shall be adopted for selection of the Director General of Police (Head of Police Force), namely:—

Selection and term of office of the Director General of Police (Head of Police Force).

(a) Zone of consideration.— The Indian Police Service Officers belonging to Punjab Cadre,—

- (i) who have been promoted to the rank of Director General of Police in the State of Punjab and who have completed at least thirty years of service as on the date of occurrence of vacancy; and
- (ii) who have a minimum residual tenure of six months as on the date of occurrence of vacancy, shall be eligible to be considered.

(b) Composition of Empanelment Committee.— The State Government shall constitute Empanelment Committee consisting of the

following, namely:-

- (i) a retired Chief Justice or a retired Judge of the Punjab and Haryana High Court; : Chairman
- (ii) the Chief Secretary to the Government of Punjab; : Member
- (iii) a nominee of the Union Public Service Commission; : Member
- (iv) the Chairman or Nominee of the Punjab Public Service Commission; : Member
- (v) the Administrative Secretary, Department of Home Affairs and Justice, Punjab; : Member-cum-Convener
- (vi) a nominee of Ministry of Home Affairs, Government of India; and : Member
- (vii) a retired Director General of Police, who has served as the Head of Police Force in the State of Punjab. : Member

(c) Panel size and selection criteria for preparation of panel.-

The Empanelment Committee shall prepare a panel of three senior most Officers, out of the pool of eligible Officers, based on the following selection criteria, namely:-

- (i) selection shall be on the basis of their length of service, very good record and range of experience for heading the police force; and
- (ii) selection shall be made, on merit, from the pool of eligible Officers, as per the zone of consideration.

(d) Appointment of Director General of Police (Head of Police Force).-

The State Government shall appoint the Director General of Police (Head of Police Force) from amongst the panel of three Officers recommended by the Empanelment Committee.

(2) The Director General of Police (Head of Police Force), so appointed, shall have a minimum tenure of two years, irrespective of his date of superannuation:

Provided that the State Government may relieve the Director General of Police (Head of Police Force), so appointed, of his responsibilities before completion of the period of two years, in the event of,-

- (i) initiation of any action against him or her under the All India Services (Discipline and Appeal) Rules, 1969; or
- (ii) conviction by a court of law in a criminal case or where charges have been framed against him or her by a court in a case involving corruption; or
- (iii) incapacitation by physical or mental illness or otherwise becoming unable to discharge his or her functions as the Director General of Police (Head of Police Force).

(3) In the event that the Director General of Police (Head of Police Force), is relieved of his responsibilities in terms of the proviso to sub-section (2) and till such time the State Government appoints a new Director General of Police (Head of Police Force) in terms of sub-section (1), the State Government may give the additional charge of the post of the Director General of Police (Head of Police Force) to any Officer in the rank of Director General of Police in the State.

(4) The provisions of this section shall prevail notwithstanding anything contained in any judgement, order or decree of any Court."

STATEMENT OF OBJECTS AND REASONS

‘Public order’ and ‘police’ appear in the ‘State List’ under the Seventh Schedule of the Constitution of India, 1950; and, are, thus, matters falling in the exclusive domain of the States.

The constitutional framework envisions a ‘federal structure’ – wherein the States are exclusively empowered, through its legislature, to enact laws concerning ‘public order’ and ‘police’.

It is necessary to put in place a proper mechanism for selection/ appointment and removal of DGP (HoPF) which takes into consideration the peculiar challenges faced by the State of Punjab by virtue of being a border-State. In order to achieve this objective, it is proposed to amend Section 6 of the Punjab Police Act, 2007.

BHAGWANT MANN

Chief Minister, Punjab

CHANDIGARH :
THE 20th JUNE, 2023

RAM LOK KHATANA,
SECRETARY.